

Appl. No. 09/865,441

Response dated \_\_\_\_\_

Reply to Final Office Action of February 20, 2007

**DRAFT****REMARKS**

Claims 1-6 and 8-20 are pending. By this amendment, claims 1, 12, and 19 are amended to more precisely recite the novel features of the present application. No new matter is introduced. Support for the amendments can be found at least at page 5, lines 3-15 of the specification. Reconsideration and issuance of a Notice of Allowance are respectfully requested.

**Claim Rejections Under 35 U.S.C. §103**

On page 4 the Office Action rejects claims 1-6 and 8-20 under 35 U.S.C. § 103(a) over U.S. Patent 5,590,056 to Barritz (hereafter Barritz) in view of U.S. Patent 6,301,615 to Kutcher (hereafter Kutcher), and further in view of U.S. Patent 6,272,677 to Lam et al. (hereafter Lam) and U.S. Patent 6,023,507 to Wookey (hereafter Wookey). The Office Action acknowledges on page 4 that Barritz does not disclose performance management tools. However, the Office Action asserts on page 4 that Kutcher discloses a method of configuring performance management software based on a plurality of preexisting performance management tools. This rejection is respectfully traversed.

Barritz is directed to an apparatus, and a corresponding method, for monitoring usage of computer programs, and similar events, and for recording such events. In Barritz, all that the inventory process discovers is the existence of programs (software), but not the performance of an application, such as response time monitoring, bottleneck analysis, etc. The inventory process of Barritz relies on events, such as installation and execution of programs, to update the inventory. This is all about constructing an inventory and nothing about making use of the inventory to configure management tools. Barritz does not mention *performance monitoring or measurement* at all.

Kutcher is directed to a system and method for monitoring the performance of computers on a network. Kutcher discloses executing multiple invocations of standard performance monitoring tools. However, Kutcher does not disclose or suggest changing the tools' configuration, i.e., changing the execution of the tools to match the system against which the tools are executed. For example, a virus scan tool runs on a system and checks the C: drive by default. In this example, the virus scan tool does not check the D: or E: drives. Kutcher's system would run the same C: virus scan tool over and over again, and send the results back to a central server. However, this is very different from using the results of the virus scan (or any discovered inventory) to change the way the virus scan tool operates, i.e., discovering that there

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was a D: drive and an E: drive, and then specifically changing the virus scan tool's operation so that the virus scan tool would check all three logical drives. Consequently, Kutcher does not disclose or suggest the features of *discovering, inventorying, or controlling the performance management tools, discovering what is to be monitored, and modifying the configuration of the performance management tools in response to the discovered applications.*

Lam is directed to a method and system for automatic detection and distribution of code version updates. Lam does not mention *performance* at all.

Wookey is directed to an automatic remote computer monitoring system that communicates system diagnostic information from a monitored computer system to a remote service center. However, nowhere does Wookey disclose or suggest the features of *discovering what is to be monitored and reconfiguring the performance monitoring in response to the discovered applications.* The *diagnostic tests* of Wookey merely test a system behavior, such as the existence of a file, and deliver a result, such as a service being up or down. Such diagnostic tests are not the same as *performance monitoring*, which delivers information, such as how much CPU or disk I/O a service is using.

Contrary to the cited references, the present application *automatically discovers, inventories, and controls the performance management tools, discovers what is to be monitored, and modifies the configuration of performance monitoring in response to the discovered applications.* In other words, the present application changes the behavior of the performance management tools to match the specific and varying needs of the system they are monitoring. As an example, discovery of Oracle instances is illustrated below. A performance monitoring tool running on a system may have special processing that is specific to monitoring Oracle. For example, the Oracle processes may be grouped into "workload" groupings. In a prior art system, a user must tell the monitoring tool that Oracle is present and specifically configure the special monitoring. With the present application, Oracle will be discovered and the special monitoring will be configured automatically.

These novel features are recited in claim 1: "inventorying applications and performance management tools; generating an inventory list of the applications and the performance management tools; using the inventory list, generating a performance management tools configuration in response to the discovered applications, the performance management tools configuration ... automatically restarting, without intervention of an administrator, the

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performance management software to engage the configuration of the performance management tools in response to the discovered applications." As noted above, these features are not disclosed or suggested by any of the cited references.

Since Barritz, Kutcher, Lam, and Wookey, individually and in combination, do not disclose or suggest all of the elements of claim 1, claim 1 is patentable.

Claims 2-6 and 8-11 depend from patentable claim 1, and for this reason and the additional features they recite, claims 2-6 and 8-11 are also patentable.

Independent claim 12 is an apparatus claim that corresponds to method claim 1. For the same reasons as noted above with respect to claim 1, claim 12 is also patentable. Claims 13-18 depend from patentable claim 12, and for this reason and the additional features they recite, claims 13-18 are also patentable.

Independent claim 19 is a method claim generally corresponding to method claims 1 and 9. For the same reasons as noted above for patentability of claims 1 and 9, claim 19 is also patentable. Claim 20 depends from patentable claim 19, and for this reason and the additional features it recites claim 20 is also patentable.

In view of the above remarks, Applicant respectfully requests withdrawal of the rejection of claims 1-6 and 8-20 under 35 U.S.C. § 103(a). Prompt examination and allowance are respectfully requested.

Should the Examiner believe that anything further is desired in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

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